

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Review of the Emergency Alert System

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FCC 04-189

EB Docket No. 04-296

**REPLY COMMENTS OF SOUTHEASTERN MICHIGAN COUNTIES
AND MUNICIPALITIES**

These reply comments are filed by southeastern Michigan counties and municipalities, including the Counties of Oakland and Macomb, Armada, Belleville, Brighton, Clinton Township, Genoa Township, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Grosse Pointe Shores, Harper Woods, Dearborn Heights, Lincoln Park, Madison Heights, Mount Clemens, St. Clair, St. Clair Shores, Sterling Heights, Troy, Utica, Lodi Township and Ypsilanti.

1. First, these reply comments wish to emphasize comments made by Michigan SECC Chairman Larry A. Estlack. In his comments made on behalf of the Michigan SECC, Mr. Estlack said:

“We feel that most broadcasters and cable systems wish to see the responsibility for the accurate creation and targeting of emergency messages be entrusted to local and state emergency managers who are the persons trained and knowledgeable in this critical area. Meanwhile, broadcasters and cable systems serve as very effective distribution channels for those messages. Some uniform guidelines are needed and are useful, to reinforce the messaging criteria of eminent loss of life, widespread property damage, or serious civil dangers as the primary reasons for issuance of public warnings.”

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Michigan SECC Comments (October 29, 2004). Southeastern Michigan Counties and Municipalities urge the Commission to adopt the Michigan SECC approach in re-fashioning EAS rules in this Rulemaking.

2. The Notice of Proposed Rulemaking (“NPRM”) provided municipalities around the country an opportunity to remind the Commission that all emergencies are local, a few are regional, hardly any are statewide and that the EAS system has never been used to issue a national alert. Commentators such as the Towns of Auburn and Northborough, Massachusetts (October 22, 2004) pointed out that in the event of an emergency, the first responders are local police and fire departments. Auburn and Northborough urged the Commission “[t]o maximize the availability much needed emergency communications capabilities” by making mandatory participation by broadcasters and cable systems in state and local emergency alerts. The Southeastern Michigan Counties and Municipalities explained that under the existing state and local plan for southeastern Michigan, certain major emergency announcements – originating from the state primary station, WKAR-FM, Lansing -- are routed to broadcasters and cable television operators in southeastern Michigan. They include all EAN, EAT, EVI, CEM, TOR and RMT digitally encoded messages received from the President, NOAA or Governor/State Police but none originating from county emergency managers. The southeastern Michigan LECC was considering the routing of severe thunderstorm (“SRV”) warnings – winds of excess of 69 miles per hour – received from the NOAA. All announcements sought by county emergency managers, including any CEM, TOR SVR messages, must be verbally made by telephone to WJR-AM, which has vested its chief engineer with responsibility for deciding which announcements it will allow. No emergency announcements on the EAS may be initiated by any city, village or township, even those, such as Sterling Heights, Warren, Fraser and Clinton Township, for example, which manage emergency services locally rather than relying on Macomb County’ emergency management department. Thus, county and local emergency managers are discouraged or barred from activating EAS whether they involve a geographically isolated area or even any CEM, TOR or SVR arising locally which may affect a more widespread area.

3. Comments filed by the National Cable & Telecommunications Association (“NCTA”) (October 29, 2004) endorsed the adoption of “federal standards for state and local plans . . . and for when and how state and local emergency managers may activate an all-hazard warning system. . . .” Southeastern Michigan Counties and Municipalities heartily agree but caution that federal standards must allow the flexibility needed for state and local EAS plans to adapt to local needs as pointed out in Comments filed by the City of Ann Arbor, Michigan (October 29, 2004).

4. Comments filed by Municipalities and Municipal Organizations (October 29, 2004) also agreed with the NCTA but further cautioned that “care must taken that when standards and guidelines are drawn up, local governments must be able to participate directly in both planning and implementation of the system.” (Emphasis added.) Southeastern Michigan Counties and Municipalities pointed out that neither the State Emergency Coordinating Committee (“SECC”) nor the Local Emergency

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Communications Committee (“LECC”) has any representatives of county or local government with any authority over adoption of the State or Local EAS plan. Michigan’s EAS Plan was drafted in 1998 by the SECC, all members of which are broadcasters and one cable television operator from a smaller system, Horizon. (The SECC did take significant input from the Michigan State Police Emergency Management Division.) The Plan sets forth broad, general rules but delegates to 12 regional groups of broadcasters, actual operational management of emergency alerts by local broadcasters and cable television systems serving listeners and viewers in Michigan’s 83 counties. The LECC serving the southeastern Michigan region – St. Clair, Macomb, Oakland, Monroe and Wayne Counties – has adopted a local area plan, which delegates day-to-day administration to an NOAA weather radio station (KEC63, 162.550 MHz) and WJR-AM radio, the local primary station and WWJ-AM, the alternate local primary station. The southeastern Michigan LECC lists county emergency managers among its members and has considered their suggestions for changes to the local area plan but, so far, has adopted none. County emergency managers in St. Clair, Oakland, Macomb and Monroe Counties sought recognition as voting members of the LECC with authority over the local area plan.

5. Comments filed by the NCTA said the industry’s “voluntary participation in state and local EAS has worked effectively in many state. Many cable companies are actively working with [SECCs] and [LECCs] and are integrally involved in the broader efforts of state emergency management agencies.” That may be true elsewhere but in Michigan, the State SECC Cable Co-Chairperson slot is vacant, according to the website of the Michigan Association of Broadcasters. There are no other cable television company representatives on the SECC. Only one cable television company representative is listed as a member of the 39-member LECC serving southeastern Michigan, Ron Jones of Comcast’s Taylor, Michigan, office.

6. Municipalities and Municipal Organizations noted that, like Southeastern Michigan Counties and Municipalities, they face serious challenges in trying to send out messages to their communities over the EAS because under current plans they must verbally make the request through a county emergency management official, who, in turn, must verbally seek permission from the designated local broadcaster, which is under no obligation to issue the alert. “Only when local officials can send out an alert without having to seek approval and rely on the discretion of others regarding if, when and how the alert will be carried will the federal [EAS] system be a reliable tool for local governments under emergency situations,” the Municipalities and Municipal Organizations argued.

7. Furthermore, many of the comments filed on behalf of local units of governments reported that the consolidation of cable television has created problems. Comments filed by the NCTA acknowledged out that “[t]echnological changes . . . have had an impact on the effectiveness of state and local alerting,” the NCTA said. “The advent of centralized, master headend has meant that cable facilities no longer necessarily line by town. They may cover a wide area crossing many communities. This makes

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compliance with individualized community-by-community requirements difficult and may result in less targeted, unnecessary alerts to cable customers.”

8. For example, during the water crisis of August 2003, following the electric blackout, the police chief of the Village of Lake Orion, Michigan, used the cable emergency alert system to alert residents not on a well that they needed to boil water before drinking or cooking. An emergency official in Waterford Township, served by the same Comcast headend, also issued a cable emergency alert assuring residents there that they did not need to boil water, confusing residents of both communities.

9. On the evening of Nov. 5, 2004 thousands of the State of Washington, Puget Sound-area residents had their television-viewing interrupted by an on-screen message that indicated Snohomish County was being evacuated, according to a report in The Seattle Times.¹ The cable television-initiated alert was meant only for residents of an area near Granite Falls, warning of a reported gas leak and urging them to evacuate the area on foot. However, the automatic alert interrupting all broadcast and cable-television stations went out to all viewers throughout the region with the on-screen heading of "Evacuation Snohomish County." The alert advised viewers to tune to a specific public access channel, which gave detailed instructions and identified the affected area. The emergency message itself was typed out on a keyboard connected to the cable television emergency alert system. The message had two parts: the heading and the message or script. That script described the natural-gas leak detected in a specific area near 84th Street Northeast and directed nearby residents to report to a command post to be shuttled to the Getchell fire station. The cable television system, however, broadcast the header of "Snohomish County Evacuation" throughout the region. It then instructed viewers to tune to cable channel 27 for more information, which is available only in Snohomish County. The local cable operator knew that the message would not go out to Channel 27. King County viewers who made the switch did not find any information there.

Respectfully Submitted,

Neil J. Lehto
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Counties and Municipalities

November 22, 2004

¹ http://seattletimes.nwsources.com/html/snohomishcountynews/2001794566_emerg19n.html